IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGE'S ORDER NO.106 OF 2006
IN
SUIT NO.922 OF 1991

Bank of India Plaintiff

versus

M/s.West End Laboratories Ltd.
and others Defendants

Mr.D.A.Das for plaintiff.

Mr.Hemang Jariwala i/by Aroma Law for Sukhmani Co-op. Hsg. Soc.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th April 2006

PC :

1. The Judge's Order seeks the relief of sale of property more particularly described therein during pendency of the suit instituted by the plaintiffs herein.

2. It appears that the society charges are not paid, and therefore, the Court Receiver has made a report calling upon the plaintiffs to deposit the same or seeking appropriate directions.

3. Learned advocate appearing for the co-operative housing society namely Sukhmani Co-operative Housing Society, who is owner of the building "Yashodhan", in which the flat is situate, states that the society has to recover dues pertaining to said flat from it’s member and that the society is initiating proceedings including under section 101 of the Maharashtra Co-operative Societies Act, 1960, and in case the amounts under the Recovery Certificate are not paid, the same would be executed by disposing of the said flat.

4. He, therefore, seeks continuation of the appointment of the Court Receiver and makes a further statement that the society shall not make any application for discharging the Court Receiver until it obtains recovery certificate.

5. In the light of this statement of the co-operative housing society, Shri Das seeks liberty to withdraw this Judge’s Order with liberty to take out appropriate proceedings. Allowed to be withdrawn with liberty.

(S.C.DHARMADHIKARI, J.)